

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:04-CR-00222-RJC-CH

USA

v.

KIMBERLY FRANCENE BAKER

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ORDER

THIS MATTER comes before the Court on the defendant's pro se Motion for Modification of Sentence Pursuant to Amendment 794. (Doc. No. 149).

Title 18, United States Code, Section 3582(c)(2) allows a court to reduce a sentence based on a guideline range that has been subsequently lowered by the Sentencing Commission. Here, Amendment 794 detailed by the defendant as affecting her sentence, (Doc. No. 149: Motion at 1), is not listed by the Commission as being retroactively applicable, USSG §1B1.10(a)(1), (d)(2016). Thus, she is not entitled to relief.

IT IS, THEREFORE, ORDERED that the defendant's Motion to Modify Sentence, (Doc. No. 149), is **DENIED**.

Signed: April 10, 2017



Robert J. Conrad, Jr.
United States District Judge

